

THE SEWER BOARD OF THE CITY OF NEW ALBANY, INDIANA HELD A MEETING IN THE 2nd FLOOR COMMISSIONER'S MEETING ROOM OF THE CITY/COUNTY BUILDING, NEW ALBANY, INDIANA ON TUESDAY, MAY 9, 2006 AT 3:30 P.M.

PRESENT: Mayor James Garner, Vice Chairman Bill Utz, Mark Seabrook, Todd Solomon and Larry Kochert.

OTHERS: Attorney Greg Fifer, Rob Sartell and Brian Dixon, EMC, Kelly Welsh, Tina Haley, and City Clerk Marcey Wisman.

CALL TO ORDER:

Mayor Garner called the meeting to order at 3:37 p.m.

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Utz made a motion to approve the April 18 minutes with corrections, Mr. Solomon second, all voted in favor.

BIDS:

Item #1 - Opening bids for Robert E. Lee Interceptor

Wes Christmas presented the following bids for the Robert E. Lee Interceptor:

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|---|----------------|
| 1. MAC Construction, New Albany, IN | \$ 908,714.00 |
| 2. Bryan Stumler Excavating, Floyds Knobs, IN | \$1,017,713.00 |
| 3. Cornell Harbison, Georgetown, IN | \$1,123,227.00 |
| 4. Team Contracting, Memphis, IN | \$ 799,000.00 |

Mr. Christmas stated that they will take these back and review them and bring a recommendation to the board at the next meeting. He informed everyone the engineers estimate had been \$1.1 million.

Mr. Fifer stated that Stumler is in the process of getting their company financials done and because of that they were unable to get their bid bond so they submitted a cashier's check for the full amount which is tying up funds and they were the third lowest bidder. He asked that the board to authorize Wes when he determines that there is a lower, responsible bidder in the next 5 days to release their check back to them.

Mr. Kochert moved to approve for Mr. Christmas to release the check back to Stumler Excavating once he has determined that there is a lower, responsible bidder, Mr. Seabrook second, all voted in favor.

COMMUNICATIONS - PUBLIC:

Steve Theinamen, DSD, reported that LaFollette Station is ready to do the build out, which they have already paid for the sewer taps for, and he needs to get a letter from the Board so that they can get a building permit. He stated that they will need one for the nail salon, doctor's office in the area where Beef O'Brady's is located. He had a copy of his check for the tap in fees showing that he has paid for the entire project.

Mr. Utz made a motion to give Mr. Fifer the authorization to prepare a letter, Mr. Solomon second, all voted in favor.

Mr. Theinamen asked where they stood with the capacity report on Grantline Road.

Mr. Dixon reported that it will be ready sometime around August.

Mr. Theinamen stated that he thought it was going to be done in six months from last October.

Mrs. Johnson asked if the Stormwater website is up yet.

Mayor Garner stated that he does not believe it is ready yet.

Mrs. Johnson asked if the 2nd Amended Consent Decree had been signed yet.

Mr. Fifer informed her that they have not yet received it to sign.

COMMUNICATIONS - CITY OFFICIALS

Mr. Kochert asked where they stood with the truck and the camera.

Mayor Garner stated that there was a meeting scheduled for next week with the President of EMC. He stated that no decision would be made at that meeting outside of EMC offering 100% of the amount.

Mr. Kochert stated that he and Mr. Seabrook would like to be included in all the meetings.

There was a lengthy discussion regarding a meeting that was scheduled and cancelled due to the fact that everyone could not attend and the Mayor feeling that EMC was not going to make an acceptable offer.

Mr. Fifer reported that the gap is closing on the electric bill and what the agreed amount we pay EMC due to the efficiency of the plant and we need to adjust the actual cost of the electric payment.

Mr. Solomon stated that we need to discuss whether we want EMC to continue paying the bill or the City to pay it.

Mr. Seabrook informed the board about a workshop that the Council will be holding tomorrow and he asked when they would be receiving the next installment of the financial report.

Mr. Fifer stated that he thought that Mr. Melhiser would be here to present that, but if he doesn't show he will go by his office and pick that up after the meeting. He informed the board that he requested that a separate column showing what is owed back to the utility from drainage and sanitation for the two month period be included in the report.

Mr. Solomon asked Mr. Sartell is they had monitored the DSS and DOD from Georgetown and if there was any problem with the flow.

Mr. Sartell responded that the DSS and DOD was running at around 200 – 250.

Mr. Solomon asked Mr. Dixon about the T.V Maintenance plan for the city.

Mr. Dixon reported that they did approximately 12,000 feet of cleaning.

Mr. Solomon asked if there was a plan in place.

Mr. Dixon responded that he had a plan in place based on having two cameras, but often they are pulled off of maintenance to take care of other problems. He stated that they also need to secure a second camera.

There was a lengthy discussion regarding Mr. Dixon's 3 year plan for maintenance to the city sewer lines.

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Mr. Solomon asked Mr. Sartell if the software problems with the clarifiers was resolved.

Mr. Sartell responded that they have amended the SOP for their operators and it is going to be reprogrammed and a new manual provided.

Mr. Solomon asked for the status of the ADM claim

Mr. Fifer stated that he spoke with the mediator this week and they are making efforts to get some dates together for mediation.

Mr. Utz asked if there was anything new on the Fox-Cotner case.

Mr. Fifer stated that there wasn't.

Mr. Solomon stated that he had concerns about the Robert E. Lee Lift Station. He stated that he feels that the up-grade of the pump station needs to be done now because the pumps are at least 40 years old and it is at its capacity without the additional flow from LaFollette. He went on to discuss the report from Donahue. He stated that he read something that led him to believe that the utility would have to pay for expedited capacity readings for developers, but it was his understanding that the developers would have to pay for that. He asked the Mayor when we would receive a report from Umbaugh.

Mayor Garner stated that they should have a report by next week and he would call a special meeting to go over said report.

There was a lengthy discussion regarding the financial situation of the utility and keeping the council informed of what is going on.

Mr. Seabrook asked if the flow meters have been moved to Eagles Lane.

Mr. Dixon stated that they will be moved there on Thursday. He explained that they are moving them to the main branches so they can see where the extra flow is coming from.

Mr. Solomon asked what the process to let the developers with projects over 15,500 credits know that they have to have an individual capacity study.

Mayor Garner stated that Tina Haley was looking into those.

Mr. Solomon asked where the ordinance for the Stormwater Board stands.

There was lengthy discussion regarding the misgiving and misunderstanding of the City Council with this ordinance.

SEWER ADJUSTMENTS:

Item #1 - Kelly Welsh re: sewer adjustment requests

Mr. Laura Arnold from the New Albany Country Club presented copies of the sewer bills for the pool and went over these hand-outs with the board. Said hand-outs are on file with the City Clerk's office. She requested an additional adjustment for 2005 because the pool fill would have been on the May and June billing. She also asked for reimbursement on late fees.

Mayor Garner stated that the issue of the late fees they would have to look into with Indiana American Water. He stated that this would need to be brought up again at the next meeting.

Mrs. Welsh addressed the request of Deneen Kauchak, 504 Diehlman Drive, for an adjustment in the amount of \$1,018.75 due to a leak in her water main,

Mr. Seabrook moved to approve, Mr. Solomon second, all voted in favor.

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Mrs. Welsh stated that on the Helvey claim for \$2,891.00 that they would like to settle for \$1,410.26; the city will only receive one half of the \$1,410.26. She stated that the property owners are delinquent over and above the Helvey claim and she has filed a new lien for their current delinquency of \$1,400.

There was a lengthy discussion of not accepting the Helvey settlement amount and whether or not the City could put a lien on the property for the full amount owed.

OLD BUSINESS:

Item #2 - Chad McCormick re: Rule 13

Mayor Garner reported that we have an amended letter from FMSM setting the rate of \$3.17 per ERU for the stormwater drainage fee.

There was a lengthy discussion as to whether the sewer board should be the ones making the decision for a long term rate or whether they should make it an interim rate until there is a board in place that can make a final decision. The Board decided that they would recommend the \$3.17 per ERU as an interim rate to the council.

Mr. Solomon made a motion to recommend the \$3.17 per ERU as an interim rate to the council, Mr. Utz second, all voted in favor.

Mr. Mays gave an over view of the status of the stormwater project and where it stands today. He discussed the possibility of an Interlocal Agreement with the County to have the Soil and Water Conservation to do the inspections for the City as well as the County.

NEW BUSINESS:

Item #1 - Scott Thomas, LTL Developers, re: sign Section 2 of Glenwood Springs Plat.

Mr. Thomas presented the Plat for Section 2 of Glenwood Springs to be signed by the Board.

There was a lengthy discussion regarding whether this project should have a capacity report done prior to signing the plat.

Mr. Fifer stated that he did not believe that we can go back retro-actively and ask them to do more then what was originally required for them.

Mr. Seabrook stated that his main concern is how the EPA would view this.

Mr. Utz stated that not only the EPA but he is also concerned about all the additional flow that is going into that line and the work that needs to be done on that line.

The Board signed the Plat.

Item #2 - Barbara and Larry Bilbry, 210 Village Pine, re: sewer back-up.

Mr. and Mrs. Bilbry addressed the board regarding sewer back-up in there basement. He stated that the sewer men came out and discovered that their neighbors' line had roots growing out of it into the main line causing a back-up.

Mr. Dixon explained that his guys did TV. the line and sent a root cutter through and cleaned out a large ball of roots, but that the roots will continue to grow. He also explained that there is a 90 degree angled line off of their line and it is only a 6 inch line and it should be an 8 inch line.

There was a lengthy discussion regarding the lines that were laid when the subdivision was built and the changes that should be made to correct the problems.

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Mr. Fifer asked how much it would cost to put in an 8 inch line.

Mr. Dixon estimated \$18,000.00.

Mr. Fifer explained that he believes the solution is for the City to put in an 8 inch line in this area. He said that unfortunately the neighbors have encroached on the easement and the city will have to take down trees and fences and not be obligated to replace them.

Mr. Dixon asked if we could give them the option of installing the 8 inch line or have them install back flow valves.

Mr. Fifer stated that would be fine but we would have to get releases from the homeowners stating that they would not come back on the City if there is a back up.

Mayor Garner stated that they would look into this and get back with them.

Item #3 - Tina Haley re: sewer credits for Ron Receveur

Mrs. Haley stated that the Farmers Market would like to have 40 sewer Credits for one bathroom and a hand washing station and Ron Receveur would like 400 credits for a new office building.

Mr. Utz moved to approve both requests, Mr. Solomon second, all voted in favor.

EMC REPORT:

CLAIMS:

Mr. Sartell presented the following claims to be approved by the board:

K & E Environmental, for the April SSO inspections, \$5177.60

Henry P. Thompson, pump repair to the 10th street station \$13,246.69

Mr. Sartell also reported that the UV bulbs on the clarifier are going bad. They need to replace 108 bulbs at \$28,512. He stated that the bulbs could be bought in two installments of 54 bulbs at \$14,256.00.

Mr. Seabrook moved to buy the bulbs in two installments and to approve the claims for K&E and Henry P. Thompson, Mr. Solomon second, all voted in favor.

Mr. Dixon presented the pay request for the following claims:

MAC Construction	Original Contract	\$724,900.00
	Pay request #1	(\$121,158.90)
	Pay request #2	(\$83,857.50)
	Remaining Balance	\$519,883.60

Melhisier Endres Tucker CPA		
	Invoice No. 149959	\$1,472.50

Clark Dietz Engineers		
	Invoice No. 39024	\$9,200.00
	Invoice No. 39131	\$24,300.00

Donohue & Associates		
	Invoice No. 10959-02	\$17,877.46

Mr. Utz moved to approve the pay request as submitted in the May 4 letter, Mr.

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Solomon second, all voted in favor.

Mayor Garner asked how the bar screen project was going.

Mr. Dixon stated that they are on schedule for completion in July.

Mr. Fifer stated that as soon as the first bar screen is in place it is considered to be functional and this should be done before July. He also recommended to the board to be prepared at the next meeting to purchase the camera regardless of the outcome of the meeting with EMC.

The project manager for the three story apartment complex on Greybrook Lane addressed the board and informed them that he is waiting for info on sewer credits so that he can get his building permit.

Mr. Fifer explained that we are waiting for approval by IDEM, but that he should be able to get his building permit with the understanding that he can not hook to the line until he receives the credits.

Mr. Solomon stated that in the Georgetown Contract he didn't see where they are to pay tap fees. Also, it was his understanding that they had two years to be off of the City's system but the contract states 3 years. He also thinks that it should be written in that they will be 100% responsible for the up-grades to that line if they choose to remain on our line at the 226,00 capacity.

Mr. Seabrook stated that they could give them the option to pay the additional \$120,000 now and go ahead and install the larger line.

There was a lengthy discussion regarding how much more it would cost to up-grade the line size and whether or not the \$120,000 would cover that line and the projected capacity of the line. It was decided that Mr. Fifer would put in the contract that if Georgetown is still on after 2 years they owe the City the \$120,000.

ADJOURNMENT:

There being no further business before the Sewer Board, the meeting adjourned at 5:49 p.m.

Respectfully submitted,

James E. Garner, Chairman

Marcey Wisman, City Clerk